

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

JASON WILLIAMS,

Plaintiff,

vs.

AT&T MOBILITY LLC,

Defendant.

Case No. 5:19-cv-00475-BO

**DEFENDANT AT&T MOBILITY
LLC'S MOTION FOR LEAVE TO FILE
AMENDED ANSWER &
AFFIRMATIVE DEFENSES**

In accordance with Fed. R. Civ. P. 15(a), Defendant AT&T Mobility LLC ("AT&T"), acting by and through its undersigned counsel, respectfully moves the Court for leave to file a First Amended Answer and Affirmative Defenses to Plaintiff Jason Williams' ("Williams") Corrected Complaint [Doc. 2], and shows this honorable Court as follows:

1. On August 9, 2019, Williams, via his counsel, sent a letter to AT&T claiming that unauthorized SIM swaps on his AT&T account in February 2019 destroyed his ability to continue his cryptocurrency mining business.

2. Williams then commenced this lawsuit against AT&T on October 24, 2019, again alleging that an unauthorized SIM swap in February 2019 forced him to permanently shut down his mining operation that month because, as a result of the SIM swap, "Mr. Williams lost the ability to mine bitcoin after February 2019" [Doc. 2 ¶¶ 76-77]. This allegation has at all times been the entire basis for more than 99% of the monetary damages Mr. Williams seeks to recover from AT&T in this action.

3. Documents recently obtained from third party Gemini — the same documents this Court ordered Williams to obtain after he resisted AT&T's numerous requests to do so, *see* Apr. 13, 2021 Order on AT&T's Mot. to Compel [Doc. 70] at 3 — conclusively establish this allegation is false, and that Williams has always known it to be false.

4. Those documents and the information AT&T has derived from them establish Williams continued his mining operation and continued receiving bitcoin payouts from that operation long after February 2019 and long after the SIM swaps he alleges in the complaint.

5. AT&T requires leave to amend its answer and affirmative defenses in light of this recently-discovered information.

6. The Court's May 6, 2021 Order [Doc. 72] granted the parties' joint motion to amend the scheduling order and permitted AT&T to amend its pleading on or before July 15, 2021.

7. On June 18, 2021, AT&T agreed to Williams' request for a two week extension to his deadline to serve expert reports, and in exchange for that extension Williams agreed AT&T could have until July 22, 2021 to amend its pleadings and that Williams would not oppose as untimely any amendment by that date.

8. Accordingly, AT&T is authorized to state that Williams does not oppose this motion as untimely.

9. Moreover, in light of the newly-discovered evidence, this Court should “freely give leave” for AT&T to amend its answer and affirmative defenses. Fed. R. Civ. P. 15(a)(2).

10. Pursuant to Local Rule 15.1(a), a copy of AT&T’s proposed amended answer and affirmative defenses is attached hereto as Exhibit A, and a version of same indicating in what respects it differs from the original pleading is attached as Exhibit B.

Respectfully submitted this 22nd day of July, 2021.

/s/ Joseph S. Dowdy
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Counsel for Defendant AT&T Mobility LLC

CERTIFICATE OF SERVICE

I hereby certify that on date set out below, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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This the 22nd day of July, 2021.

/s/ Joseph S. Dowdy
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